

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW); and
MARTIN LAMER, JOHN YASSO, KIM
TASKILA and RONALD GARDNER, for
themselves and others similarly-situated,

Case No. 11-cv-14630

Plaintiffs,

v.

U.S. District Judge Denise Page Hood

TRW AUTOMOTIVE U.S. LLC,

Magistrate Judge Mona K. Majzoub

Defendant.

**PLAINTIFF-RETIREES’
SUPPLEMENTAL MOTION FOR ATTORNEY FEES AND EXPENSES
BRIEF IN SUPPORT
CERTIFICATE OF SERVICE**

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**PLAINTIFF-RETIREES’
SUPPLEMENTAL MOTION FOR ATTORNEY FEES AND EXPENSES**

On January 16, 2018 this Court entered summary judgment for Plaintiffs, finding that the 400 retirees/surviving spouses and their families “have a vested right to lifetime hospital-medical-surgical insurance coverage” and that TRW “violated their rights under ERISA” (Docket 62, p. 17) and denied without prejudice the retirees’ then extant motion for ERISA attorney fees. (Docket 62, p. 19.) On January 30, 2018 (the deadline set by the Court), Plaintiffs filed a second attorney fee motion with a brief and supporting seeking fees of \$320,787.50 and expenses of \$6,039.28. (It has been fully briefed and remains pending before the Magistrate Judge. Dockets 63, 65, 68 and 72.) On February 14, 2018 TRW appealed. Docket 66. On March 5, 2019 the Court of Appeals after full briefing and oral argument agreed with Plaintiffs that it did not have appellate jurisdiction because this Court’s January 16, 2018 order was not final. (In Case No. 13-12160, the Court of Appeals majority determined that this Court erred by not partially vacating the arbitrator’s award as to remedy.) Docket 75. On March 28, 2019 the Court of Appeals issued its mandate. Docket 76. Plaintiffs here seek fees of \$56,925 and expenses of \$716.31 for work since January 30, 2018.

This motion is supported by a brief, the undersigned’s declaration, an hourly breakdown, a list of expenses and by the earlier ERISA attorney fee motion, brief and supporting documents. On April 15, 2019 Honeywell denied concurrence.

BRIEF IN SUPPORT

Plaintiffs incorporate their previously filed briefs at Dockets 63 and 68, and their supporting documents. Additionally: the Court of Appeals noted that TRW now concedes that it violated ERISA in seeking to eliminate the retirees' benefits. Docket 75, p. 11. ("TRW rather concedes that it violated ERISA . . .".) And the *Laffey* Matrix for 2018-2019 maintained by the District of Columbia United States Attorney now sets \$613 hourly (increased from \$602) for federal litigators with 31 or more years' experience. www.justice.gov/usao-dc/file/796471.

Retirees' counsel worked 103.5 attorney hours since January 30, 2018 as attested in the accompanying declaration. The hours are detailed by date and task in the attached exhibit. Based on the requested rate of \$550 hourly, the fees total \$56,925. In addition, the retirees incurred \$716.31 in litigation expenses, as detailed in the attached exhibit.

In sum, pursuant to ERISA 502(g)(1), we ask that the Court award and direct TRW to promptly pay retirees' attorney fees and expenses totaling \$57,641.31 for the period from January 30, 2018 through today's date.

Dated: April 25, 2019

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CERTIFICATE OF SERVICE

I certify that on April 25, 2019 I caused the foregoing paper to be electronically filed with the Clerk of the Court using the ECF system that will send notification of such filing to all parties of interest participating in the CM/ECF system.

s/William Wertheimer

William Wertheimer